

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

David Kenneth Christian,

Civil No. 13-650 (RHK/AJB)

Petitioner,

**ORDER ON REPORT
AND RECOMMENDATION**

v.

Michelle Smith, Warden, Stillwater
Facility, Minnesota,

Respondent.

Based upon the Mach 28, 2013, Report and Recommendation of the Chief United States Magistrate Judge Arthur J. Boylan, all the files and records, and no objections having been filed to said Report and Recommendation, **IT IS ORDERED:**

1. The Report and Recommendation (Doc. No. 2) is **ADOPTED**;
2. The Petitioner's application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 (Doc. No. 1) is **DENIED**;
3. This action is summarily **DISMISSED** without prejudice for lack of jurisdiction; and
4. The Court **DECLINES** to issue a Certificate of Appealability.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: April 17, 2013

s/Richard H. Kyle
RICHARD H. KYLE
United States District Judge